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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 GUILLERMINA FRANCISCO,  
12 Plaintiff,

13 v.

14  
15 CAROLYN W. COLVIN, Acting  
Commissioner of Social Security  
16 Defendant.

Case No. 14-cv-02905-BAS(WVG)

**ORDER:**

- 17 (1) **ADOPTING REPORT AND**  
18 **RECOMMENDATION IN ITS**  
19 **ENTIRETY;**  
20 (2) **GRANTING PLAINTIFF'S**  
21 **MOTION FOR SUMMARY**  
22 **JUDGMENT;**  
23 (3) **DENYING DEFENDANT'S**  
24 **CROSS-MOTION FOR**  
25 **SUMMARY JUDGMENT;**  
26 **AND**  
27 (4) **REMANDING FOR**  
28 **FURTHER PROCEEDINGS**

(ECF Nos. 17, 14, 15)

23 On December 9, 2014, plaintiff Guillermina Francisco ("Plaintiff") filed a  
24 complaint against Carolyn W. Colvin ("Defendant"), Acting Commissioner of Social  
25 Security, seeking judicial review of Defendant's decision to deny Plaintiff disability  
26 insurance benefits and supplemental security income benefits under Title II and Title  
27 XVI of the Social Security Act, 42 U.S.C. § 301, *et seq.* The Court then referred this  
28 matter to United States Magistrate Judge William V. Gallo, who issued a Report and

1 Recommendation (“R&R”) on February 8, 2016, recommending that Plaintiff’s  
2 motion for summary judgment be granted, that Defendant’s motion be denied, and  
3 that the matter be remanded for further administrative proceedings.

4 The time for filing objections to the R&R expired on February 23, 2016. (R&R  
5 at p. 29.) Both parties are represented by counsel, but to date, neither party has filed  
6 any objections.

## 7 **I. ANALYSIS**

8 The Court reviews *de novo* those portions of the R&R to which objections are  
9 made. 28 U.S.C. § 636(b)(1). The Court may “accept, reject, or modify, in whole or  
10 in part, the findings or recommendations made by the magistrate judge.” *Id.* But  
11 “[t]he statute makes it clear that the district judge must review the magistrate judge’s  
12 findings and recommendations *de novo if objection is made*, but not otherwise.”  
13 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)  
14 (emphasis in original); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226  
15 (D. Ariz. 2003) (concluding that where no objections were filed, the district court had  
16 no obligation to review the magistrate judge’s report). “Neither the Constitution nor  
17 the statute requires a district judge to review, *de novo*, findings and recommendations  
18 that the parties themselves accept as correct.” *Reyna-Tapia*, 328 F.3d at 1121. This  
19 rule of law is well-established within the Ninth Circuit and this district. *See Wang v.*  
20 *Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005) (“Of course, *de novo* review of a  
21 R & R is only required when an objection is made to the R & R.”); *Nelson v. Giurbino*,  
22 395 F. Supp. 2d 946, 949 (S.D. Cal. 2005) (Lorenz, J.) (adopting report in its entirety  
23 without review because neither party filed objections to the report despite the  
24 opportunity to do so); *see also Nichols v. Logan*, 355 F. Supp. 2d 1155, 1157 (S.D.  
25 Cal. 2004) (Benitez, J.).

26 In this case, the deadline for filing objections was February 23, 2016.  
27 However, no objections have been filed, and neither party has requested additional  
28 time to do so. Consequently, the Court may adopt the R&R on that basis alone. *See*


1 *Reyna-Tapia*, 328 F.3d at 1121. Nonetheless, having conducted a *de novo* review of  
2 the parties' cross-motions for summary judgment and the R&R, the Court concludes  
3 that Judge Gallo's reasoning is sound and accurate in recommending that this Court  
4 grant Plaintiff's motion for summary judgment, deny Defendant's cross-motion for  
5 summary judgment, and remand this action to the Administrative Law Judge for  
6 further proceedings. Therefore, the Court hereby approves and **ADOPTS IN ITS**  
7 **ENTIRETY** the R&R. *See* 28 U.S.C. § 636(b)(1).

8 **II. CONCLUSION & ORDER**

9 Having reviewed the R&R and there being no objections, the Court **ADOPTS**  
10 **IN ITS ENTIRETY** the R&R (ECF No. 17), **GRANTS** Plaintiff's motion for  
11 summary judgment (ECF No. 14), **DENIES** Defendant's cross-motion for summary  
12 judgment (ECF No. 15), and **REMANDS** this action for further proceedings  
13 consistent with this order and the R&R.

14 **IT IS SO ORDERED.**

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16 **DATED: March 10, 2016**

  
17 **Hon. Cynthia Bashant**  
18 **United States District Judge**